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SENATE

REPORT
101-492

ENCHANTED NATIONAL FORESTS INFORMATION AND EDUCATION STUDY ACT OF 1990

OCTOBER 3 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2527]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2527) to direct the Secretary of Agriculture to conduct a study to determine the need for a National Forest Information Center and an expanded environmental education program in New Mexico, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2527, as ordered reported, is to direct the Secretary of Agriculture to study the opportunities for establishing a center to provide information on the National Forests in New Mexico and to expand the environmental education programs for such forests.

BACKGROUND AND NEED

The State of New Mexico has over 9 million acres of National Forest lands located within its borders. S. 2527 would direct the Forest Service to examine the possibility of establishing an educational center near Albuquerque, the State's largest city. The Sandia Mountains, located just outside of the city, are part of the Cibola National Forest and receive heavy recreational use, thus providing a good location from which to base such a program. Although the Forest Service already has environmental outreach programs, there is no single center in New Mexico from which to provide public educational and interpretive programs.

49-010

S313-53

LEGISLATIVE HISTORY

S. 2527 was introduced by Senators Bingaman and Domenici on April 26, 1990. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the measure on July 27, 1990.

At the business meeting on September 19, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2527 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 19, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2527, as described herein.

The roll call vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin [1]	
Mr. Akaka [1]	
Mr. McClure	
Mr. Hatfield [1]	
Mr. Domenici [1]	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles [1]	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell	

[1] Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Enchanted National Forests Information and Education Study Act of 1990."

Section 2 contains the Congressional findings.

Section 3 directs the Secretary of Agriculture, acting through the Chief of the Forest Service, to conduct a study of the opportunities to establish a center to provide information on the National Forests in New Mexico and to expand the environmental education programs for such forests.

Subsection (b) requires that the Secretary transmit the study to the Congress within 1 year after the date funds are made available for the study.

Subsection (c) provides that the study shall develop alternative means for the National Forests in New Mexico to provide information that improves public awareness and participation. Alterna-

tives are to include an information center located in or near Albuquerque.

Section 4 authorizes the appropriation of such sums as may be necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 1990.

Honorable J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2527, the Enchanted National Forest Information and Education Study Act of 1990, as ordered reported by the Senate Committee on Energy and Natural Resources, September 19, 1990. CBO estimates that implementation of this bill would cost the federal government about $150,000. No additional costs would be incurred by state or local governments as a result of this legislation.

S. 2527 would direct the Forest Service to conduct a study to determine the need for an information center and an expanded environmental education program for national forests in New Mexico. Further, the bill would require a report to the Congress within one year after the appropriation of funds for this purpose. Based on information provided by the Forest Service, CBO estimates that the cost of this study would be about $150,000. This cost would be incurred mostly in fiscal year 1991, assuming the appropriation of the necessary funds for that year.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Marjorie Miller, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2527. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2527, as ordered reported.

EXECUTIVE COMMUNICATIONS

On July 17, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth ex-

ecutive views on S. 2527. These reports had not been received at the time the report on S. 2527 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

STATEMENT OF JEFF M. SIRMON, DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to offer the Department of Agriculture's views on S. 2521, the "Cochiti Land Exchange Act of 1990," and S. 2527, the "Enchanted National Forest Information and Education Study Act of 1990."

The Department of Agriculture supports the purposes of S. 2521, but we suggest some technical and clarifying amendments. We support enactment of S. 2527.

While both bills deal with National Forest management in New Mexico, the objectives of each bill are different. Therefore, I will briefly address each bill separately and then will be happy to answer questions.

S. 2521, THE COCHITI LAND EXCHANGE ACT OF 1990

S. 2521 provides for a land exchange in which the United States would receive 36 acres of private land owned by Dunigan Enterprises in exchange for 1,700 acres of National Forest lands in Sandoval County, New Mexico. In addition, the United States would make a cash payment of approximately $1.1 million to Dunigan Enterprises. The lands received by the United States would be added to the Santa Fe National Forest.

The bill also provides for a cooperative land ownership adjustment study with the owners of Baca Location No. 1 (originally a large Spanish land grant) to address its multiple use attributes and to address options for its possible acquisition by the United States.

Baca Location No. 1 includes approximately 100,000 acres located within, and virtually surrounded by, the Santa Fe National Forest. It was the desire of Mr. Dunigan, now deceased, that the land grant be transferred to public ownership, rather than remain in private ownership and be subject to development. The area is very scenic and has outstanding wildlife and public recreation values. Therefore, we support the cooperative land ownership study. We suggest, however, that Section 7 be amended to remove part (c), which states that the study will not require an environmental impact statement. The NEPA analysis required to develop an action proposal is best determined after review of the pertinent issues, environmental impacts and public input.

S. 2521 would also resolve a land title problem stemming from a 1966 land exchange between Dunigan Enterprises and the United States. Details regarding the title problem

are included in the Supplemental Statement attached to my written statement.

As currently described in S. 2521, the land exchange is unequal in appraised value in favor of Dunigan Enterprises. The difference in the appraised value, along with the cash payment provided, would allow Dunigan Enterprises to recover its costs from a clouded title associated with the 1966 exchange. The conveyance of certain National Forest land is part of the compensation package proposed by S. 2521.

We agree that Dunigan Enterprises should be reasonably compensated for its costs. However, we feel that the compensation should be provided entirely in a cash payment. Compensation which provides National Forest land in lieu of cash would set an undesirable precedent which could lead to National Forest lands being used as compensation in future claims against the United States.

Therefore, we suggest that the legislation be amended to provide compensation to Dunigan Enterprises entirely in cash (rather than partially in cash and partially in land). This would increase the cash payment to Dunigan Enterprises provided in Section 4 of S. 2521 and would decrease the National Forest land involved in the land exchange described in Sections 2 and 3. If these suggested revisions are acceptable, the Forest Service will provide new land descriptions and other pertinent information after discussions with representatives of Dunigan Enterprises.

We estimate that enactment of S. 2521 would result in a Federal cost of $1.3 million. Most of this cost ($1.1 million) is the cash payment to Dunigan Enterprises. The remaining $200,000 would be needed by the Forest Service over the FY 91–93 period to complete the land ownership adjustment study. We have not validated the cash compensation of $1.1 million in Section 4, so can offer no opinion on the amount. If the $1.1 million compensation figure is correct, the total cost of the bill, after including the suggested amendments, is estimated at $1.9 million. In the amended bill, the cost of the landownership adjustment study would remain at $200,000, but the cash compensation cost would increase.

This completes my comments on S. 2521.

S. 2527, THE ENCHANTED NATIONAL FOREST INFORMATION AND EDUCATION STUDY ACT OF 1990

We support this bill which would significantly strengthen and expand environmental education in New Mexico. The diverse lands of the five National Forests in New Mexico would provide an ideal learning environment for residents and visitors.

In the past 20 years, the American public has taken a more active role in understanding their environment and the problems of using and protecting natural resources. During that period, the Forest Service has been a leader in

developing environmental education programs for schools and communities. We believe these programs have been important in developing individual understanding of resource issues. They have also involved people in problem-solving strategies which value resources and serve people.

We agree that the Federal Government should take a more active role in supporting and encouraging environmental education programs and activities. In October 1989, responding to recommendations to President Bush from a coalition of environmental groups and, at the urging of the National Association of State Foresters, the Forest Service began to look at ways to further strengthen our environmental education program which focuses on forestry resource education. We recognize the need to devote greater resources to our environmental education programs, some of which were pioneering efforts in the field. We have met recently with the National Association of State Foresters, Project Learning Tree, and the National Arbor Day Foundation to consider ways of forging stronger partnerships in environmental education. The Chief has established a National Resource Education Task Force to direct further strengthening of Forest Service environmental education.

This bill provides the opportunity to strengthen and expand our environmental education program in New Mexico. That will, in turn, strengthen our overall National program. With over 9 million acres of National Forest System lands in New Mexico, many opportunities are available to enhance environmental education. There are also excellent opportunities to involve State and other Federal agencies who administer lands and resources in New Mexico in this effort.

S. 2527 provides that the study examine the feasibility of locating an environmental education center in New Mexico, with Albuquerque as one of the alternative locations. Albuquerque is ideally located in the center of the State and region. As the State's largest metropolitan area, it contains over one-third of the state's population. It is particularly important to reach this large group of urban citizens and help them learn about resource issues of local, regional, and national significance. An environmental education center in this area could provide focus to the regional environmental education program and could provide materials and service to schools, colleges, and community organizations. The Sandia Mountains of the Cibola National Forest rise immediately above the city and provide opportunities for learning in an outdoor environment in close proximity to the city. In addition, four other National Forests and a National Grassland are within a few hours drive of the city. If S. 2527 is enacted, the study will explore the possibilities for developing a coordinated environmental education program for Albuquerque, and the entire region.

This concludes my testimony. I will be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2527, as ordered reported.

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